

### **REMARKS/ARGUMENTS**

The Office Action mailed July 6, 2005 has been reviewed and carefully considered. Claims 2 and 4 are canceled. Claims 1, 3, 5, 8, 9, 27, 31, and 33 have been amended. Claims 1, 3, and 5-33 are pending in this application, with claims 1, 8, and 9 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

#### **Allowable Subject Matter**

In the Office Action dated July 6, 2005, claims 9-26 were found to contain allowable subject matter and would be allowable if rewritten in independent form. In view of the allowable subject matter, claim 9 is rewritten as an independent claim. Accordingly, independent claim 9 should now be allowable. Dependent claims 10-26 depend from claim 9 and should be allowable for the same reasons, as well as for the additional recitations contained therein.

#### **Objection to the Drawings**

The drawings are objected to because Fig. 3 includes reference characters 53, 57, and 59 which are not mentioned in the specification. Fig. 3 has been amended to cancel the references to these characters. Accordingly, the objection to the drawings should now be withdrawn.

### Objection to the Specification

The specification is objected to because of a minor informality in paragraph [0025]. The specification has been amended as suggest by the Examiner. Accordingly, the objection to the specification should now be withdrawn.

### Objection under 35 U.S.C. §112

Claims 4-6 and 33 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the "the control system" and "the pressure control system" lack antecedent basis. The limitations of claim 4 are now incorporated into independent claim 1. Each of the above limitations is amended to either --the control chamber-- or --the pressure supply system-- each of which has proper antecedent basis in independent claim 1. In view of the amendments, the rejection of claims 4-6 and 33 under 35 U.S.C. §112, second paragraph, should now be withdrawn.

### Rejections under 35 U.S.C. §§102 and 103

Claims 1, 28, and 32 stand rejected under 35 U.S.C. §102 as anticipated by GB 2121489 (Takeshita).

Claims 1-8, 27, and 30-33 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 3,384,209 (Murphy).

Claims 1-8, 28, and 30-33 stand rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 3,820,417 (Allen).

Claim 29 stands rejected under 35 U.S.C. §103 as unpatentable over Takeshita in view of U.S. Application Publication No. 2001/0007383 (Schmid).

Claim 29 also stands rejected under 35 U.S.C. §103 as unpatentable over Allen in view of Schmid.

Independent claim 1 is amended to incorporate the limitations of claim 4 and now recites "the clutch device comprises a separating wall having a first side facing the hydrodynamic circuit and a second side facing the takeoff-side wall of the housing, a control chamber between the second side and the takeoff-side wall, and a first control line connected to a pressure supply system, wherein the hydrodynamic circuit has a prevailing pressure and the pressure supply system selectively supplies the control chamber with a control pressure having a value which is essentially the same as the prevailing pressure".

The limitations of claim 4, which are now incorporated in independent claim 1 were rejected as anticipated by each of Murphy and Allen. It is respectfully submitted that neither of these references discloses a pressure supply system that selectively supplies "a control pressure having a value which is essentially the same as the prevailing pressure".

Murphy discloses a clutch with a piston 44. To actuate the clutch to the closed position, the pressure in chamber 43 must be greater than that in the hydraulic circuit so that the piston moves to the left to engage the friction elements of the clutch (see col. 3, lines 20-23, in Murphy). If a control pressure that is essentially the same pressure in the hydraulic circuit were applied, the piston would not be urged to the left to close the clutch. Since the clutch of Murphy requires a control pressure that is higher than the pressure in the hydraulic circuit, Murphy fails to disclose, teach or suggest a pressure supply system that selectively supplies "a control pressure having a value which is essentially the same as the prevailing pressure", as expressly recited in independent claim 1.

Allen shows a similar arrangement to Murphy in that a control pressure is supplied to an actuating chamber 28 for closing the clutch (see col. 3, lines 21-24; and Fig. 1 of Allen). If the actuating member is supplied with a control pressure that is equal to the pressure on the other side of the piston, i.e., the pressure in the hydraulic circuit, the piston would not be forced against the friction plates and the clutch would not be closed. Therefore, Allen also requires a control pressure that is greater than the pressure in the hydraulic circuit. For the above reasons, Allen also fails to disclose, teach or suggest a pressure supply system that selectively supplies "a control pressure having a value which is essentially the same as the prevailing pressure", as now expressly recited in independent claim 1.

Claim 8 is rewritten as in independent claim and recites "the clutch piston comprises at least one seal for sealing the hydrodynamic circuit from the control chamber and the seal allows a predetermined residual leakage between the hydrodynamic circuit and the control chamber".

Claim 8 is also rejected as being anticipated by Murphy and Allen. However, neither of these reference disclose teach or suggest that there is predetermined residual leakage between the hydrodynamic circuit and the control chamber. In each of these references the piston is sealed along the top and bottom annular space in which it is located. There is no indication that the seal is designed to allow a predetermined residual leakage as recited in independent claim 8. Accordingly, it is respectfully submitted that independent claim 8 is allowable over Murphy and Allen.

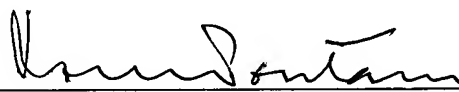
Dependent claims 3, 5-7, and 27-33, each being dependent on one of independent claims 1 and 8, are deemed to be allowable for the same reason expressed above with respect to independent claims 1 and 8, as well as for the additional recitations contained therein.

Dependent claim 33 recites “the pressure in the control chamber can be automatically switched by the pressure supply system between the pressure present in the hydrodynamic circuit and a residual pressure which is lower than the pressure present in the hydrodynamic circuit, wherein the clutch device brings the housing into working connection with the pump wheel when the pressure in the control chamber is the residual pressure and the clutch device brings the housing out of working connection with the pump wheel when the pressure in the control chamber is the control pressure”. As explained above with reference to claim 1, Murphy and Allen disclose that a control pressure that is greater than the pressure in the hydrodynamic circuit is required to close the clutch. Accordingly, Murphy and Allen fail to disclose the above recitations. Therefore, dependent claim 33 is allowable for these additional reasons.

In view of the above amendments and remarks, the application is now deemed to be in condition for allowance and notice to that effect is solicited.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By   
Thomas C. Pontani  
Reg. No. 29,763  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Fig. 3, replaces the original sheet including Fig. 3. The drawings are amended to cancel reference characters 53, 57, and 59 from Fig. 3 because these reference characters are not mentioned in the specification.

Attachment: Replacement Sheet